



12-15-08

Attorney Docket No. 1000141-00155 / 1412E
DAN KPW

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Roger Harris, *et al.*
Appl. No.: 10/717,217
Conf. No.: 6038
Filed: November 18, 2003
Title: Methods and Compositions for Increasing the Anaerobic Working Capacity in Tissues
Art Unit: 1614
Examiner: Raymond J. Henley III
Docket No.: 1000141-00155 / 1412E

Mail Stop: OFFICE OF PETITIONS / OPLA
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER REGARDING PATENT TERM ADJUSTMENT AT ALLOWANCE
PURSUANT TO COMMENT 43 OF THE FINAL RULE

Dear Sir:

On the basis of good faith and candor, Applicant would like to bring the Office's attention to the Patent Term Adjustment (PTA) calculation included in the *Corrected Notice of Allowance and Determination of Patent Term Adjustment*, mailed October 30, 2008, for the above-referenced application, which indicates the PTA is 532 days. This PTA appears to be longer than appropriate.

Please review these PTA calculations including the mailing of the *Notice to File Missing Parts of Non-Provisional Application*, mailed March 3, 2004, and the respective *Response to the Notice to File Missing Parts*, filed July 8, 2004, and received in the Office July 12, 2008.

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Date of Deposit: December 12, 2008

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to:

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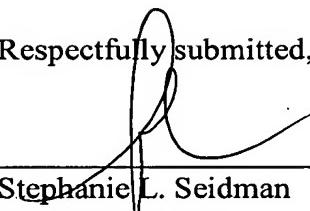
Judith Sherman

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Applicant believes that no fee is due at this time. Any fees that may be due, however, may be applied to Deposit Account No. 02-1818.

Respectfully submitted,


Stephanie L. Seidman
Reg. No. 33,779

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